

REMARKS/ARGUMENTS

Telephonic Interview of 2/07/08

Applicants wish to thank the Examiner for the telephonic interview of February 7, 2008 in which the rejections of record were discussed as well as suggested claim amendments. Applicants have presented some of the arguments discussed in the interview in the below response. Applicants have amended the claims to include the distinctions discussed in said interview.

Discussion of Status of Claims

Applicant acknowledges the Examiner's withdrawal of the previous notice of allowance of claims 4, 19-21 and 24. And note that all of the pending claims were previously amended to include the elements of claims 4, 19-21 and 24 in the previous office action in anticipation of allowance.

Presently the Examiner has rejected the previous allowable subject matter in light of Glessner (U.S. Patent Application No. 2004/0045170).

Claims 1, 6-8, 11, 12, 14-22 and 24 are currently pending.

Independent claims 1, 11, 18, 19 and 24 have been amended to include elements related to the manual pivoting of the locking mechanism from the locked position before the blade can be pivoted from the closed to open position. Support for these amendments are found at least in the specification in paragraphs [0028], [0032] and Figs. 11-14 and specifically Fig. 12.

Claim 22 has been amended to include instructions for unlocking the blade from the closed position. Support for this feature is found at least in the specification in paragraph [0032] and Fig. 12.

New claims 25 and 26 have been added which claim the separate locking mechanisms for locking the blade of a knife in an open position and a closed position. Support

for these claims are presented in the specification as filed generally and particularly in Figs 7, 13 and 14 where a liner lock blade locking mechanism is disclosed. Furthermore, the parent application issued as U.S. Patent 7,107,686 and was fully incorporated by reference into the present specification and discloses Figures 3b-d, 4a, 7 and 14 and column 5 lines 8-11 which identify a second locking mechanism for locking the blade into an open position. Specifically, Fig. 3d which shows a view of the knife 300 with the blade in substantially the fully open position, and column 6 lines 11- 15 discloses:

Additionally, a lock portion 327 of the liner 320 may spring into a plane of the blade 310 and secure the position of the blade 310. The lock portion 327 of the liner 320 can be repositioned off of the plane of the blade 310 to release the blade 310 from the lock.

No new matter has been introduced. Entry of the above revisions is respectfully requested.

Discussion of Rejections under 35 USC §102(e)

Claims 1, 6-8, 11, 12, 14-22 and 24 were rejected under 35 USC §102(e) as allegedly anticipated by Glessner (U.S. Patent Application Publication No. 2004/004510). It is our belief the Examiner meant Glessner U.S. Patent Application Publication No. 2004/004510 which resulted in U.S. Patent No. 6,918,184.

Applicants have carefully reviewed the statement of the instant rejection and respectfully traverse, because they believe no case of anticipation is present. Simply put, Glessner does not teach all the requirements of the claims.

Examiner alleges that Glessner discloses a folding knife (2, see Figs. 4-7 and paragraphs [0030] to [0031] comprising a handle (4); a blade (6) pivotally connected to the handle (4); a locking mechanism (24, 32) pivotally connected to the handle (4) and directly engaging the blade (6) to lock the blade in a closed position (see Fig. 5).

In summarizing the differences between Glessner and the present invention it is important to point out the objective of the inventors in each case.

Glessner's objectives were to create a folding knife with a locking mechanism for engaging the blade to prevent the blade from inadvertently closing. Glessner therefore designed "a fail safe" blade locking mechanism which serves the dual purpose of locking a folding knife in an extended position of use, and simultaneously serves as a stop pin, thus eliminating the necessity of a secondary component. The design and focus of the locking mechanism of Glessner was to interact with and maintain the blade in an open in-use position. Thus, the inventors were not overly concerned with the accidental opening of the blade from the closed to the open position.

The present invention was designed as a safety mechanism for maintaining a knife in a closed position and avoiding inadvertent opening. Although not limited to use in assisted-opening knives, the present invention is a continuation-in-part application from a patented assisted-opening knife. The inventors were not focused on the blade open locks because the problem to be solved was to avoid accidental opening. Because the present invention is often used with assisted opening mechanisms it is a focus of the present invention that the safety locking mechanism acts independently from pressure exerted upon the blade, and therefore the safety must be manually released before pressure on the blade can move the blade from the closed to open position.

The Examiner has asserted that Glessner teaches that the locking mechanism (24, 32) is pivotally connected to the handle (4) and directly engages the blade (6) to lock the blade (6) in a closed position (see Fig. 5). We respectfully disagree with the Examiner that Glessner teaches locking the blade into a closed position. The specification language used when describing cited Fig. 5 reads accordingly:

[0030]...As further shown in FIG. 5 when the blade 6 is in a closed position the locking anvil 26 is positioned within the blade catch slot 40 and which retains the blade in a closed position until a downward force is applied to the blade 6 to promote rotation.

A downward force on the blade is sufficient to overcome any biasing forces the interaction of the locking anvil may have on the blade catch slot. Thus, there is no means to or no requirement to unlock the locking mechanism from the blade before opening the blade. This requirement is stated again when dealing with the embodiments of FIGs. 1-3 described below:

[0028] Referring now to FIG. 2, the folding knife 2 shown in FIG. 1 is further depicted with the blade in a second closed position... Further, the locking anvil 26 is shown engaged in a blade catch slot 40 which is used to substantially maintain the blade 6 in a closed position until finger pressure is applied to a blade aperture 42 or other opening device such as a thumb stud to allow the blade 6 to be rotated from the closed position to a first extended position of use as shown in FIG. 1.

Applicant asserts that merely maintaining the blade in a closed position until pressure is applied to the blade in an opening manner is different than locking the blade in a closed position as defined by the present invention. The interaction of the locking mechanism of Glessner does not physically block the blade from opening until the locking mechanism is manually disengaged from the blade to permit rotation towards opening to occur. Unlike the present invention there is no unlocking the blade from a closed position. If one wants to open the Glessner knife one need merely to apply pressure to the blade in an opening manner and pivot the knife open.

Furthermore, for reasons stated previously that the locking mechanism of the present invention is often used in assisted-opening knives where the blade is biased to rotate from the closed to open position, it becomes clear that Glessner does not teach the present invention. Because, the teachings of Glessner would not be useful for preventing the inadvertent opening of a knife and particularly an assisted-opening knife.

In light of the comments above, Glessner simply does not disclose the present invention. Accordingly, no case of anticipation has been presented, and this rejection may be properly withdrawn.

Applicant respectfully requests withdrawal of the §102(e) rejection.

Appl. No. 10/777,465
Amdt. dated February 8, 2008
Reply to Office Action of August 8, 2007

PATENT
Attorney Docket No.:022038-000300US

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,

Scott E. McPherson
Scott E. McPherson
Reg. No. 53,307

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 858-350-6100
Fax: 415-576-0300
Attachments
SEM:sjc
61126195 v1